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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/626,719	07/25/2003	Kai Licha	SCH-1731 D1

23599  
MILLEN, WHITE, ZELANO & BRANIGAN, P.C.  
2200 CLARENDON BLVD.  
SUITE 1400  
ARLINGTON, VA 22201

**CONFIRMATION NO. 9681**  
**FORMALITIES LETTER**



\*OC000000013625110\*

Date Mailed: 08/24/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

### Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

### SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
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*A copy of this notice **MUST** be returned with the reply.*

Y.6

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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Kai LICHA et al.

Serial No.: 10/626,719

Filed: July 25, 2003

Title: SHORT-WARP PEPTIDE DYE CONJUGATE AS CONTRAST AGENT FOR  
OPTICAL DIAGNOSTIC



Confirmation No.: 9681

Examiner: Unassigned

Group Art Unit: Unassigned

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

**MAIL STOP MISSING PARTS**

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SIR:

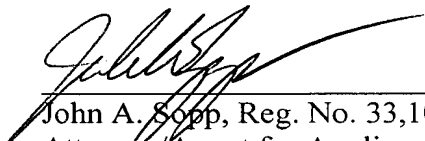
This Response is made to the Notice to File Missing Parts mailed August 24, 2004  
(copy attached).

The Notice alleges that the filing did not contain a properly signed oath or declaration.  
However, applicants did include the proper declaration with the filing.

This application is a divisional application from SN 09/528,200, as was properly  
identified in the transmittal papers. Thus, applicants properly included with the filing a copy  
of the inventors' declaration filed in the '200 parent application. In fact, seven copies of the  
declaration were filed, each copy being separately signed by each of the seven inventors,  
which is acceptable. Attached is a copy of the declarations (which together amount to a  
proper declaration) and a copy of the return receipt postcard from the USPTO indicating that  
this item was received on the filing date.

Thus, applicants urge that there were no missing parts in the originally filed application. Accordingly, no fee for late filing of the declaration is due.

Respectfully submitted,

  
John A. Sopp, Reg. No. 33,103  
Attorney/Agent for Applicants

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& BRANIGAN, P.C.  
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Attorney Docket No.: SCH-1731-D1

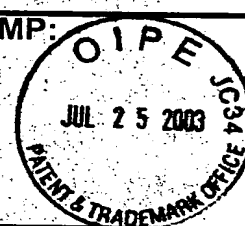
Date: September 10, 2004

JAS/rrt

FILED July 25, 2003 DOCKET NO. SCH-1731.D1  
APPLICANT(S) Kai LICHA et al. PARENT CASE SCH-1731 (09/528,200)

THE PATENT AND TRADEMARK OFFICE STAMP HEREON  
ACKNOWLEDGES RECEIPT OF THE ABOVE-IDENTIFIED  
APPLICATION, INCLUDING THE FOLLOWING PAPERS:

PTO RECEIPT STAMP:



- ☒ FEES \$ 834.00 Check No. \_\_\_\_\_
- ☐ RULE 53b CONTINUATION, WITH:
- ☐ COPY OF ORIGINAL APPLICATION ( \_\_\_\_\_ pages)
  - ☐ COPY OF ORIGINAL DECLARATION ( \_\_\_\_\_ pages)
  - ☐ COPY OF ORIGINAL DRAWINGS (if any) ( \_\_\_\_\_ sheets)
- ☒ RULE 53b DIVISIONAL, WITH:
- ☒ COPY OF ORIGINAL APPLICATION ( 119 pages)
  - ☒ COPY OF ORIGINAL DECLARATION ( 12 pages)
  - ☒ COPY OF ORIGINAL DRAWINGS (if any) ( 7 sheets)
- ☐ PROVISIONAL APPLICATION, WITH:
- ☐ SPECIFICATION ( \_\_\_\_\_ pages)
  - ☐ DRAWINGS ( \_\_\_\_\_ sheets)
- ☐ TRADEMARK APPLICATION, WITH:
- ☐ DRAWING ☐ SPECIMENS
- ☐ NEW ORIGINAL APPLICATION INCLUDING \_\_\_\_\_ pgs. of spec., \_\_\_\_\_ pgs. claims, \_\_\_\_\_ pgs. abstract
- ☐ SUBMISSION UNDER 37 CFR 1.53(F)
- ☐ CONTINUATION-IN-PART
- ☐ DESIGN APPLICATION \_\_\_\_\_ SHEETS OF DRAWINGS
- ☒ PRELIMINARY AMENDMENT
- ☒ INFORMATION DISCLOSURE STATEMENT
- ☒ PTO-1449 and 0 REFERENCES
- ☐ PRIORITY DOCUMENT(S)
- ☐ DECLARATION ☐ ASSIGNMENT
- ☒ APPLICATION DATA SHEET

U.S. NATL. PHASE OF INT'L APPLN. NO. PCT/\_\_\_\_\_/\_\_\_\_\_, FILED \_\_\_\_\_, INCLUDING *Dkt'd 7/25/03 LR*

OTHER: Request for Transfer of CRF

Initials: JAS/slm

Date: July 25, 2003